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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/628,749

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Philip G. Wessells

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EXAMINER

COLILLA, DANIEL JAMES

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,749

Applicant(s)

WESSELLS, PHILIP G.

Examiner

Daniel J. Colilla

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-4,6,11,12 and 14-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18,22-25 and 38-48 is/are allowed.
- 6) ☒ Claim(s) 2-4,6,11,12,15,19-21,26-37 and 49 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Ozawa et al. (JP 8-133488).

Ozawa et al. discloses an image transfer apparatus including a housing 3, a transfer engine 5a within the housing 3 which transfers an image to the medium S at a transfer position as shown in Figure 3 of Ozawa et al. Further disclosed is a transfer medium registration system 3,11,14,15 which is coupled to the transfer engine 5a and positions a stack of medium S in the transfer position. Ozawa et al. also discloses a media stripper 11 located within the housing 3 for removing a sheet S. It is noted that applicant only recites the pad in functional language in the claim. The structure recited by Ozawa et al. would be capable of use with a pad to the extent that applicant has claimed.

3. Claims 15, 20, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto (JP 6-297795).

With respect to claim 20, Matsumoto discloses an image transfer apparatus including a housing 1, a transfer engine 2, a transfer medium registration system 8,9, capable of positioning a pad at a transfer position (shown in Figure 1 of Matsumoto), the registration system being

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coupled to the transfer engine through the housing 1 and a cartridge 7 capable of storing a pad. Matsumoto further discloses a media stripper 3 disposed within the housing 1 capable of removing a transfer media from a pad.

With respect to claim 15, the transfer engine 2 disclosed by Matsumoto is an ink jet printer.

With respect to claim 26, Matsumoto discloses the claimed image transfer apparatus as mentioned in the above rejection of claim 20 and further discloses that the cartridge 7 is repeatably removable from the housing 1 through the opening created by door 13 as shown Figure 1 of Matsumoto.

With respect to claim 27, Matsumoto discloses the claimed image transfer apparatus as mentioned in the above rejection of claim 20 and further discloses that the apparatus is an imaging system with which the transfer engine 2 and registration system 35a, 8,9 are integrated.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (JP 6-297795) as applied to claim 27 above, and further in view of Abe et al. (US 5,072,304).

Matsumoto discloses the claimed image transfer apparatus except for the image capture system. However, Abe et al. teaches an image transfer apparatus shown in Figures 9 and 10 which includes an image capture reading head 506. It would have been obvious to combine the teaching of Abe et al. with the image transfer apparatus disclosed by Matsumoto for the advantage of easily and readily obtaining images in digital form so that they may be reproduced in the image transfer apparatus.

6. Claims 4, 6, 29-31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (JP 6-297795) as applied to claim 27 above, and further in view of Oikawa et al. (JP 2002-52760).

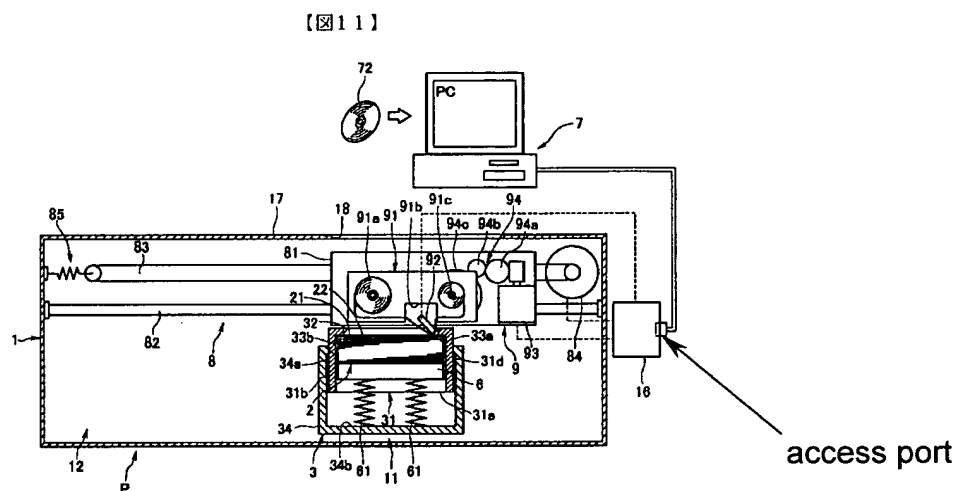
With respect to claim 29, Matsumoto discloses the claimed image transfer apparatus except for the image storing system. Oikawa et al. discloses an image storing system that includes a ROM of a control section 71 for storing the image (see paragraph [0039]). It would have been obvious to combine the teaching of Oikawa et al. with the apparatus disclosed by Matsumoto for the advantage of the control system 71 taught by Oikawa et al. which allows comprehensive control of the image transfer apparatus.

With respect to claim 30, the imaging system includes an image transmission system that transmits an image along a line from computer 7 to a control section 16 as shown in Figure 1 of Oikawa et al.

With respect to claim 31, Figures 11 and 4 show that the system is logically integrated with the transfer medium registration system 35a, 35b and 35c through sensors 36 and the transfer engine 92 which is connected directly to controller 16.

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With respect to claim 35, Matsumoto discloses the claimed apparatus as mentioned in the above rejection of claim 20 and further discloses an access port in communication with transfer engine 92 as shown in below in the Figure 11 taken from Oikawa et al.:



With respect to claim 4, Matsumoto discloses the claimed apparatus as mentioned in the above rejection of claim 20 except for the transfer engine being a thermal transfer system. However, Oikawa et al. discloses that the transfer engine 92 is a thermal transfer engine. It would have been obvious to combine the teaching of Oikawa et al. with the apparatus disclosed by Matsumoto for the advantage of the control system 71 taught by Oikawa et al. which allows comprehensive control of the image transfer apparatus.

With respect to claim 6, Figure 4 of Oikawa et al. shows that the cartridge 3 is adaptable to differing dimensioned pads. It would have been obvious to combine the teaching of Oikawa et al. with the apparatus disclosed by Matsumoto for the advantage of the control system 71 taught by Oikawa et al. which allows comprehensive control of the image transfer apparatus.

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7. Claims 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (US 5,638,750) in view of Matsumoto (JP 6-297795).

With respect to claim 32, Sato discloses an image transfer apparatus including a housing (outer surfaces of pressing plate 1 and platform 2), a stenciling system transfer engine 1, 3 and 4 a transfer medium registration system 5. While Sato does not disclose if the apparatus is used for positioning a pad including a plurality of transfer media releasably secured to one another, the apparatus is capable of performing such a positioning method. Matsumoto teaches a media stripper 3 for removing a transfer media 10. It would have been obvious to combine the teaching of Matsumoto with the image transfer apparatus disclosed by Sato for the advantage of automatically removing the printed transfer media.

With respect to claim 33, Sato discloses the claimed apparatus as mentioned above in the above rejection of 32, and it is further noted that the stenciling system disclosed by Sato can also be considered a stamping system since it applies the image by pressing a plate against a print medium. Matsumoto teaches a media stripper 3 for removing a transfer media 10. It would have been obvious to combine the teaching of Matsumoto with the image transfer apparatus disclosed by Sato for the advantage of automatically removing the printed transfer media.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (JP 6-297795), as applied to claim 20 above, and further in view of Tomiki (US 5,926,682).

Matsumoto discloses the claimed image transfer apparatus except for the electrostatic transfer system. However, Tomiki shows an example of a well-known electrostatic transfer system. It would have been obvious to replace the thermal transfer system disclosed by

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Matsumoto with the electrostatic transfer system of Tomiki for the high quality and resolution of printing that is afforded by an electrostatic transfer system.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (JP 6-297795), as applied to claim 20 above, and further in view of Saka (JP 9-58073).

Matsumoto discloses the claimed image transfer apparatus except for the electrostatic transfer system. However, Saka teaches an printing on a pad with an ink ejection system as shown in Figure 4 and mentioned in paragraph [0017] of the machine translation of Saka. It would have been obvious to replace the thermal transfer system disclosed Matsumoto with the ink ejection system of Saka for the high quality, high resolution and high speed of printing that is afforded by an ink ejection system.

10. Claims 11-12 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (JP 6-297795) as applied to claim 20 above, and further in view of Su et al. (US 2004/0056917).

With respect to claims 11 and 34, Matsumoto discloses the claimed image apparatus transfer as applied to claim 20 above except for the replaceable transfer engine. However Su et al., discloses an ink jet printer with a replaceable ink jet head 40 that can be replaced when the consumable (ink) used during image transfer is exhausted (Su et al., paragraph [0019]). It would have been obvious to combine the teaching of Su et al. with the apparatus disclosed by Matsumoto for the advantage of easily replacing the ink jet head when it runs out of ink.

With respect to claim 12, in paragraph [0020] Su et al. discloses nozzles in an orifice plate for controllably ejecting ink. As mentioned above the cartridge contains ink.

11. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (JP 6-297795) as applied to claims 20 above, and further in view of Kurashina (US 6,707,571).

With respect to claims 36-37, Matsumoto discloses the claimed image transfer apparatus except for the display. However, Kurashina discloses an image transfer apparatus with a display 4 that can display a transfer-ongoing mode (Kurashina, col. 64, lines 20-22). It would have been obvious to combine the teaching of Kurashina with the image transfer apparatus disclosed by Matsumoto for the advantage of allowing the user to know the status of the apparatus while looking at the apparatus.

12. Claims 19 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oikawa (JP 2002-52760) in view of Matsumoto (JP 6-297795).

With respect to claims 19 and 49, Oikawa et al. discloses the claimed image transfer apparatus except for the means for removing said one of said transfer media using a media stripper. Oikawa et al. discloses an image transfer apparatus including a means 3 for positioning a pad at a transfer position of a transfer engine 92 as shown in Figures 11-12 of Oikawa et al. the pad 2 is made of a plurality of sheets that are releasably secured to one another (see paragraph [0022] of the machine translation of Oikawa et al.). The positioning means includes a means 35a, 35b, 35c for adapting to varying peripheral pad dimensions as shown in Figure 4 of Oikawa et al. Matsumoto teaches a means for removing a transfer media 10 using a media stripper 3. It would have been obvious to combine the teaching of Matsumoto with the image transfer apparatus disclosed by Oikawa et al. for the advantage of automatically removing the printed transfer media.

Allowable Subject Matter

13. Claims 16-18, 22-25 and 38-48 are allowed.
14. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

15. Applicant's arguments filed 11/19/05 have been fully considered but they are not persuasive of any error in the above rejection.

With respect to applicant's arguments regarding claim 21 and the Ozawa reference, it is noted that applicant does not positively recited the "pad including a transfer media releasably secured to one another" as part of the claimed invention. Instead, applicant has recited a such a pad "for use" with the positively recited transfer medium registration system. Thus the Ozawa reference need not disclose a pad; instead the Ozawa reference need only be capable of being used with the pad. The examiner believes that the roller 11 would be adequate to remove a sheet from the top of a pad.

With respect to applicant's arguments regarding the media stripper being within the housing, the new reference, Matsumoto, has been applied to meet this new limitation in the claim.

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16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Colilla whose telephone number is 571-272-2157. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 571-272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 31, 2006



Daniel J. Colilla
Primary Examiner
Art Unit 2854